



Town of Ayer
Zoning Board of Appeals
Ayer Town Hall
1 Main Street
Ayer, MA 01432

Wednesday June 17, 2015
Open Session Meeting Minutes

Recorded by APAC

Present: Sam Goodwin, Chair; Christa Maxant, Clerk; Michael Gibbons; Jeremy Callahan

Absent: Ron Defilippo

Call to Order: S. Goodwin called the meeting to order at 7:03 PM.

Public Hearing - Application for Variance – Alan Rogers, 4 Pierce Avenue: S. Goodwin opened the public hearing at 7:01 PM. S. Goodwin asked the applicant to present a plot plan showing the property boundaries. Mr. Alan Rogers explained his application of wanting to raze the non-conforming structure on his property and replace with a larger and more conforming structure. The applicant came before the Board informally during April to present the plans and get initial feedback from the Board. The applicant did present appropriate Town of Ayer building and health department permits from 1974 and 1975 allowing the conversion of a garage to a dwelling. These are legitimate permits. The proposed dwelling will exceed 750 square feet as required.

S. Goodwin stated that the variance is needed because two dwelling structures will be located on one lot.

Ms. Amanda Durkin, 3 Calvin Street abuts the property and has no objection with the proposal.

Motion: A motion was made by J. Callahan and seconded by M. Gibbons to grant the variance as requested. Motion passed 4-0.

The hearing was closed at 7:15 PM.

Public Hearing – Application for Variance – John Horgan, 41 Nashua Street: S. Goodwin opened the public hearing at 7:16 PM. Mr. Bruce Ringwall from GPR, Inc. and John Horgan were present to present their application seeking a variance from setback requirements for an accessory structure (carport). B. Ringwall stated that the shape of the lot and that the lot is a corner lot limits the placement of the accessory structure; therefore they are applying for the following three (3) variances:

- 1) 5.8.a to disregard applicability of yard dimensional requirements as noted
- 2) 5.8.b to be located 5' of the primary structure where 10' is required
- 3) 5.8.d to be within 4' and 6/10 of the side yard line where 5' is required

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After some discussion, it was agreed that 5.8.a only applies to accessory structures with human occupation. This is not applicable to this application for a garage as there will be no human occupation.

Mr. Paul Farley, 20 Coolidge Road, is an abutter to the property stated his concern about the future development of the carport into a garage. Board members stated that a garage would simply be a carport with sides and that the only allowed use for the structure is a carport or garage. It could never be used as a dwelling unit.

Motion: A motion was made by J. Callahan and seconded by M. Gibbons to grant the variances as requested with the exception of #1 (above) which is not applicable. **Motion passed 4-0.**

Motion: A motion was made by J. Callahan and seconded by C. Maxant to close the Public Hearing at 7:39 PM. **Motion passed 4-0.**

Action Items: *35A Groton School Road – Request for an Extension of Finding* Attorney Tom Gibbons was in attendance to explain a request for a six (6) month extension of Finding previously made (July 10, 2013) at 35A Groton School Road pursuant to Article 4, Section 4.3.4(b) of the Ayer Zoning Bylaw. The preexisting structure has been removed but Attorney Gibbons' client has not yet built the new structure, therefore they are requesting an extension. After discussion, Board agreed with Attorney Gibbons' opinion that the extent of work completed to date would likely be sufficient to show that work has begun under the finding as required by statute. Attorney Gibbons would like to make sure his client is safe in presenting this request.

Motion: A motion was made by J. Callahan and seconded by M. Gibbons to extend the finding by six (6) months to January 10, 2016. **Motion passed 4-0.**

5 Fourth Street - Section 6 Finding The applicant sought a Section 6 Finding in the summer of 2014 and because of quorum issues with the ZBA their plan was constructively approved. They have since made slight changes to the plan and wanted to present those changes to the ZBA. The ZBA saw no issues with the revisions and stated that the original finding stands.

Discussion Items: S. Goodwin asked the Board about appointing a Vice-Chair, in the absence that the Chair is not able to attend the meetings. J. Callahan expressed interest in the Vice-Chair position.

Motion: A motion was made by M. Gibbons and seconded by C. Maxant to appoint Jeremy Callahan as Vice-Chair of the ZBA. **Motion passed 4-0.**

S. Goodwin stated that he would like to review at each meeting the previously proposed Zoning Bylaw with the eventual goal of making tweaks and presenting to a Town Meeting for consideration.

S. Goodwin also stated he would like to sit down with the Building Commissioner and the Chair of the Planning Board to further articulate the land use process that applicants go through.

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Approval of Meeting Minutes:

Motion: A motion was made by J. Callahan and seconded by M. Gibbons to approve the meeting minutes of May 20, 2015, as amended (added the phrase "per Zoning Bylaw 4.3.4(b) to the last sentence of the 141 Snakehill Road item). **Motion passed 4-0.**

Adjournment: A motion was made by J. Gibbons and seconded by C. Maxant to adjourn at 8:21 PM. **Motion passed 4-0.**

Minutes Recorded and Submitted by Carly M. Antonellis

Date Minutes Approved by ZBA: 8/19/2015

Samuel A. Goodwin, Chair: Samuel A. Goodwin

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